

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

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THE PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee,

v

Supreme Court  
No. 152840

DARIUS LAMARR FRANKLIN,

Defendant-Appellant.

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Third Circuit Court No. 14-003800-FH  
Court of Appeals No. 322655

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**ANSWER OPPOSING APPLICATION FOR LEAVE TO APPEAL**

KYM L. WORTHY  
Prosecuting Attorney  
County of Wayne

JASON W. WILLIAMS  
Chief of Research,  
Training and Appeals

ANA I. QUIROZ (P-43552)  
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Phone: (313) 224 -0981

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PLAINTIFF-APPELLEE'S ANSWER OPPOSING  
APPLICATION FOR LEAVE TO APPEAL

The People of the State of Michigan, through Kym L. Worthy, Prosecuting Attorney, County of Wayne, JASON W. WILLIAMS, Chief of Research, Training, and Appeals, and Ana I Quiroz, Assistant Prosecuting Attorney, ask this Court to deny defendant's application for leave to appeal.

1. Defendant's application relies on the same arguments he made in the Court of Appeals.
2. The People's brief in the Court of Appeals adequately addresses this issue. See the People's brief on appeal, attached.
3. The Court of Appeals did not clearly err in rejecting defendant's arguments and affirming his conviction. MCR 7.302(B)(5).
4. Defendant's application does not demonstrate any other grounds for granting leave to appeal. MCR 7.302(B)(1)-(3).
5. To the extent Defendant raises issues in his application that he did not raise in the Court of

Appeals, review is foreclosed since there is no “decision by the Court of Appeals” to review. MCR 7.301(A)(2); MCR 7.302(B)(5). See also this Court’s order denying leave in *People v Holloway*, 35 Mich App 420; lv den 387 Mich 772 (1972): “[A]n appellant may not raise in this Court an issue not presented to the Court of Appeals.”

6. In sum, Defendant’s application raises no issues worthy of this Court’s review.

### **Relief**

THUS, Defendant’s application for leave to appeal should be denied.

Respectfully submitted,

KYM WORTHY  
Prosecuting Attorney  
County of Wayne

JASON W. WILLIAMS  
Chief of Research,  
Training, and Appeals

s/ Ana Quiroz  
ANA I QUIROZ (P-43552)  
Assistant Prosecuting Attorney  
11<sup>th</sup> Floor, 1441 St. Antoine  
Detroit, Michigan 48226  
313/224 - 0981

Date: January 6, 2016

ATTACHMENT A

BRIEF ON APPEAL  
NO ORAL ARGUMENT REQUESTED